

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RITA BALACHANDER, Individually and as §
Representative of the Estate of VERN §
BALACHANDER, Deceased; and ADITYA §
BALACHANDER, §
§
Plaintiffs, §
§
VS. § CIVIL ACTION NO. H-10-4805
§
§
AET INC. LIMITED and AET §
MANAGEMENT PTE. LTD., §
§
§
Defendants. §

ORDER

Defendants AET Inc. Limited and AET Shipmanagement Pte. Ltd. moved for summary judgment on the damages claims that Rita Balachander, individually and as representative of the estate of Vern Balachander, Deceased, and Aditya Balachander (collectively “Plaintiffs”) asserted under Texas law on the ground that the Plaintiffs’ remedies are exclusively governed by the Death on the High Seas Act (“DOHSA”), 46 U.S.C. § 30301 *et seq.*, because the incident at issue occurred aboard a commercial vessel, the M.V. EAGLE ANAHEIM, while it was in the Gulf of Mexico more than three nautical miles from the shore of the United States. (Docket Entry No. 36). The Plaintiffs responded by stating that they acknowledged the preemptive application of DOHSA and did not oppose the relief sought. (Docket Entry No. 37).

Accordingly, the motion for summary judgment is granted. The Plaintiffs must replead their claims to pursue the remedies allowed by DOHSA.

